

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/19/2023

INTEGRAL CONTRACTING INC.,

Plaintiff,

-against-

ALLIED WORLD ASSURANCE COMPANY  
(U.S.), INC., and AXIS INSURANCE COMPANY,

Defendants.

1:23-cv-08857-MKV

**ORDER**

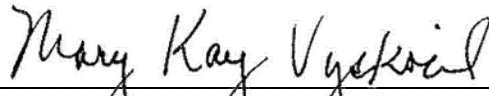
MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action on October 10, 2023 by filing a complaint. [ECF No. 1]. On October 30, 2023, the Court granted the parties' stipulation extending Defendant Allied World Assurance Company (U.S.), Inc.'s ("Allied") time to answer or otherwise respond to the complaint to December 14, 2023. [ECF No. 10]. On December 6, 2023, Plaintiff filed an amended complaint. [ECF No. 12]. Then, on December 19, 2023, Allied filed a motion to dismiss the amended complaint without first filing a pre-motion letter, as required by Rule 4 of the Court's Individual Rules of Practice in Civil Cases, or otherwise obtaining leave of the Court. [ECF No. 15].

Rule 4(A)(i) of the Court's Individual Rules states that "[p]arties wishing to file a motion to dismiss . . . should, prior to filing any motion, request a pre-motion conference with the Court" through the procedure outlined in the Rule. As noted above, Allied did not follow this procedure. Accordingly, its motion to dismiss is DENIED, without prejudice to later renewal, for failure to comply with the Court's Individual Rules. The Clerk of Court is respectfully requested to terminate the motion pending at docket entry 15.

**SO ORDERED.**

**Date: December 19, 2023  
New York, NY**

  
**MARY KAY VYSKOCIL**  
United States District Judge